

the enclosure 100 in the desired position. Fastening holes 187 and 185 are configured to accept a corresponding fastening apparatus, such as a screw.

In the Claims:

Please cancel claims 8, 9, and 11 without prejudice.

Please amend claim 1 as shown below:

1. (Amended) An enclosure assembly for a fingerprint sensor, the enclosure assembly comprising:

a stationary member including at least two substantially parallel sidewalls, the sidewalls partially defining a cavity above a fingerprint-sensing surface of the fingerprint sensor;

a moveable access piece, which has a surface area larger than the surface area of the fingerprint sensor, the moveable access piece having a conductive portion electrically coupled to ground, wherein the moveable access piece is configured to move relative to the stationary member; and

a movement apparatus configured to maintain the moveable access piece in a position covering the fingerprint sensor and yet to allow motion of the moveable access piece relative to the stationary member so as to expose the fingerprint sensor, said movement apparatus further configured to provide a first image capture position and a second image capture position.

Please add new claims 21-24 to read as follows:

21. (New) An enclosure assembly for a fingerprint sensor, the enclosure assembly comprising:

a stationary member including at least two guides, the guides partially defining an open cavity adjacent to a surface of the fingerprint sensor such that a finger positioned between the guides is substantially laterally aligned with a fingerprint-sensing surface of the fingerprint sensor; and

a moveable access piece having a first open position and a second open position, wherein the second open position exposes more of the fingerprint-sensing surface than the first open position.

22. (New) The enclosure of Claim 21, wherein the at least two guides are comprised of molded plastic walls.

23. (New) The enclosure of Claim 21, wherein the guides partially defining an open cavity adjacent to a surface of the fingerprint sensor such that a finger positioned between the guides is substantially laterally aligned with a fingerprint-sensing surface of the fingerprint sensor comprise:

at least one of the guides having a lower inner surface proximate to the fingerprint-sensing surface and an upper inner surface distal from the fingerprint-sensing surface such that fingers of varying sizes may be substantially laterally aligned.

24. (New) An enclosure assembly for a fingerprint sensor, the enclosure assembly comprising:

a member formed to partially define an open cavity adjacent to a surface of the fingerprint sensor such that a finger positioned interior to the member is substantially laterally aligned with a fingerprint-sensing surface of the fingerprint sensor; and

a moveable access piece having a first image capture position and a second image capture position, wherein the second image capture position exposes more of the fingerprint-sensing surface than the first image capture position.

REMARKS

The present amendment is in response to the Office Action dated 19 April 2002. A summary of the claim status is as follows: Claims 1-2, 3, 5, 6, 21-23, and 24 are pending; Claims 1-2, 3, 5, and 6 stand rejected under 35 U.S.C. § 103(a). Claims 21-23, and 24 are new. Claims 8, 9, and 11 have been cancelled.

OBJECTIONS TO DRAWINGS

Examiner has objected to the drawings. *See Examiner's Office Action* p.2 (19 April 2002). In response, the Applicant entity (hereinafter "Applicant") is herewith submitting a request for drawing changes.

DECLARATION

Examiner has requested a new declaration. *See Examiner's Office Action* p.2 (19 April 2002). The Applicant is in the process of determining whether a new declaration is needed.

35 U.S.C. § 103 REJECTIONS

Claim 1 has been amended herein such that it now recites, at least in part: "an enclosure assembly for a fingerprint sensor, the enclosure assembly comprising: a stationary member including at least two substantially parallel sidewalls, **the sidewalls partially defining a cavity above a fingerprint-sensing surface of the fingerprint sensor**; ...; and a movement apparatus configured to maintain the moveable access piece in a position covering the fingerprint sensor and yet to allow motion of the moveable access piece relative to the stationary member so as to expose the fingerprint sensor, **said movement apparatus further configured to provide a first image capture position and a second image capture position.**" Applicant respectfully points out that the art of record does not teach or suggest Claim 1 as herein amended. Accordingly, Applicant respectfully requests that Examiner hold Claim 1 allowable for at least the foregoing reasons.

Dependent Claims 2, 3, 5, and 6 depend either directly or indirectly from Independent Claim 1. "A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers." 35 U.S.C. § 112 paragraph 4. Consequently, Dependent Claims 2, 3, 5, and 6 are not rendered obvious by the art of record for at least the reasons why Independent Claim 1 is not rendered obvious by the art record. Accordingly, Applicant respectfully requests that Examiner hold Claims 2, 3, 5, and 6 allowable for at least these reasons.

New Independent Claim 21 recites, at least in part: "an enclosure assembly for a fingerprint sensor, the enclosure assembly comprising: a stationary member including at least

two guides, the guides partially defining an open cavity adjacent to a surface of the fingerprint sensor such that a finger positioned between the guides is substantially laterally aligned with a fingerprint-sensing surface of the fingerprint sensor; and a moveable access piece having a first open position and a second open position, wherein the second open position exposes more of the fingerprint-sensing surface than the first open position.” Applicant respectfully points out that the art of record does not teach or suggest new Claim 21. Accordingly, Applicant respectfully requests that Examiner hold new Claim 21 allowable for at least the foregoing reasons.

Dependent Claims 22-23 depend either directly or indirectly from Independent Claim 21. “A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers.” 35 U.S.C. § 112 paragraph 4. Consequently, Dependent Claims 22-23 are not rendered obvious by the art of record for at least the reasons why Independent Claim 21 is not rendered obvious by the art record. Accordingly, Applicant respectfully requests that Examiner hold Claims 22-23 allowable for at least these reasons.

New Independent Claim 24 recites, at least in part: “an enclosure assembly for a fingerprint sensor, the enclosure assembly comprising: a member formed to partially define an open cavity adjacent to a surface of the fingerprint sensor such that a finger positioned interior to the member is substantially laterally aligned with a fingerprint-sensing surface of the fingerprint sensor; and a moveable access piece having a first image capture position and a second image capture position, wherein the second image capture position exposes more of the fingerprint-sensing surface than the first image capture position.” Applicant respectfully points out that the art of record does not teach or suggest new Claim 24. Accordingly, Applicant respectfully requests that Examiner hold new Claim 24 allowable for at least the foregoing reasons.

PREVIOUS RESTRICTION REQUIREMENT

On 14 January 2002, Examiner issued a restriction requirement, and on 14 March 2002, Applicant responded to Examiner’s restriction requirement. Thereafter, via a telephonic interview, Examiner persuaded Applicant to withdraw claim 12.

For record preservation, Applicant respectfully points out that with respect to Examiner’s restriction requirement against Applicant’s previously pending dependent Claims 4, 7, 10, and 12, which were dependent claims, the restriction requirement was improper.

Specifically, Applicant respectfully directs Examiner to 37 CFR 1.141 which Examiner cited in his Office Action:

Two or more independent and distinct inventions may not be claimed in one national application, except that more than one species of an invention, not to exceed a reasonable number, may be specifically claimed in different claims in one national application, provided the application also includes an allowable claim generic to all the claimed species and all the claims to species in excess of one are written in dependent form ... or otherwise include all the limitations of the generic claim.

In addition, Applicant further directs Examiner's attention to MPEP § 802.01, "Meaning of 'Independent' and 'Distinct'"

In 37 CFR 1.141, the statement is made that two or more "independent and distinct inventions" may not be claimed in one application.

This raises the question of the subjects as between which the Commissioner may require restriction. *This, in turn, depends on the construction of the expression "independent and distinct" inventions.*

"Independent", of course, means not dependent.

As noted, previously-pending Claims 4, 7, 10, and 12 were dependent claims, and hence were not independent, so restriction of such claims was improper. Hence, Applicant respectfully notes that no estoppel or prejudice should arise from such improper restriction requirement and any actions taken in response thereto.

In addition to the reasons of record preservation, Applicant also notes the foregoing because Applicant has by amendment herein incorporated a portion of the subject matter which was previously improperly restricted out. Applicant expressly asserts that such claiming is proper in that the original restriction requirement was improper, and thus that such subject matter is still available for claiming under the guidance of 37 CFR 1.141.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "**Version With Markings to Show Changes Made.**" If a conflict arises between the clean copy and the attached "**Version With Markings to Show Changes Made,**" this statement constitutes public notice that Applicant's intent is that the version with changes made be considered controlling.

Applicant has shown above that the art of record does not establish a prima facie case of unpatentability of any pending claim. Accordingly, for at least the reasons set forth above, all of the claims remaining in the application are clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

If questions remain regarding the present application, the Examiner is invited to contact the undersigned at (206) 622-4900.

Respectfully submitted,

Lawrence O'Gorman et al.

SEED Intellectual Property Law Group PLLC



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Enclosure:

Postcard

Request for Drawing Change

Redlined Drawings (Figs. 1B, 1D, 2, 4A, 8A)

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